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United States District Court

for

District of Guam

Report on Offender Under Supervision

Name of Offender: James Rumbaua Damaso

Case Number: CR-06-00005-001

Name of Sentencing Judicial Officer: The Honorable James Ware, Designated Judge

Date of Original Sentence: July 24, 2006

Original Offense: Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Original Sentence:

Twenty months imprisonment to be followed by three years supervised release with conditions: not possess a firearm, ammunition, destructive device, or any other dangerous weapon; cooperate in the collection of DNA; not unlawfully possess a controlled substance, refrain from any unlawful use of a controlled substance and submit up to eight drug tests a month; refrain from the use of any and all alcoholic beverages; participate in a substance abuse program to include testing and making a co-payment; and perform 400 hours of community service.

Modification on March 26, 2008: Community service deleted and fine of \$1,965.60 imposed.

Type of Supervision: Supervised Release

Date Supervision Commenced: June 20, 2007

NONCOMPLIANCE SUMMARY

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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<i>Standard Condition 3</i>	The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
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<i>Standard Condition 7</i>	The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.
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<i>Special Condition 3</i>	The defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol.
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On June 25, 2008, Mr. James Damaso, who was near completion of the year-long drug testing program, failed to appear for testing at the Partnership of Melendez/Benavente. On June 26, 2008, the Probation Officer contacted Mr. Damaso and arranged for him to come to the office for a non-compliance meeting. He reported to the office and met with Probation Officer Grace Flores. Mr. Damaso explained that he forgot to call the urinalysis line. He was then subjected to a drug test which showed a presumptive positive result for methamphetamine and amphetamine. He denied usage and the specimen was sent to Kroll Laboratories. On July 3, 2008, the laboratory confirmed that the specimen submitted by Mr. Damaso was positive for methamphetamine and amphetamine.

On July 7, 2008, Mr. Damaso once again failed to appear for drug testing at the Partnership of Melendez/Benavente. He reported to the Probation Office on July 8, 2008 and was counseled about the missed test on July 7, 2008, as well as the positive drug test of June 26, 2008. He stated that he fell asleep before going to the testing site on July 7, 2008. For the positive test, he admitted that he knew he would be positive on June 25, 2008, which is the reason why he failed to show for testing. Mr. Damaso was tested for controlled substances following the non-compliance meeting and although he was negative, the specimen was deemed to be diluted and was sent to Kroll Laboratories. He was counseled about consuming large quantities of fluids before testing.

Mr. Damaso has been compliant with his other conditions of release as he is employed, his fine is paid with wage garnishment, and his monthly supervision reports are submitted within the first five days of the month. This is Mr. Damaso's first violation reported to the Court and the above information is submitted for information only and no action is being requested.

Reviewed by:

Respectfully submitted,



/s/ CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader



/s/ MARIA C. CRUZ
U.S. Probation Officer

Date: July 18, 2008

Date: July 18, 2008

No Response is necessary unless the court directs that additional action be taken as follows:

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Submit a Request for Modifying the Condition of Term of Supervision

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Submit a Request for Warrant or Summons

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Other

Signature of Judicial Officer

Date